

BOARD OF ADJUSTMENT MINUTES

FEBRUARY 24, 2016

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201-A West Gray, at 4:30 p.m., February 24, 2016. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Vice Chairman Curtis McCarty called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Curtis McCarty
Nils Gransberg
Kristen Dikeman

MEMBERS ABSENT

Andrew Seamans

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Leah Messner, Asst. City Attorney
Roné Tromble, Recording Secretary

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Mr. McCarty welcomed Nils Gransberg to the Board.

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JANUARY 27, 2016 REGULAR MEETING

Hank Ryan moved to approve the minutes of the January 27, 2016 Regular Meeting as presented. Nils Gransberg seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Kristen Dikeman
NAYS	None
ABSENT	Andrew Seamans

Ms. Tromble announced that the motion to approve the January 27, 2016 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1519-9 – DIAMOND HOMES, INC. REQUESTS A VARIANCE OF APPROXIMATELY 2' TO THE 5' SIDE YARD (EAST) SETBACK FOR THE NORTHEAST CORNER OF AN EXISTING STRUCTURE LOCATED AT 624 SUMMIT CREST LANE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Certificate of Survey – Side Lot Variance
5. Plat
6. Photos

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There were no filed protests or letters of support on this item.

PRESENTATION BY THE APPLICANT:

Ron Smith, the surveyor, representing the applicant, was available to answer questions.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Hank Ryan moved to approve the Variance with the condition that the building meet the building code requirements for such a setback. Kristen Dikeman seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Kristen Dikeman
NAYS	None
ABSENT	Andrew Seamans

Ms. Tromble announced that the motion, to approve Variance BOA-1516-9 as recommended by staff, passed by a vote of 4-0.

Mr. McCarty noted the 10-day appeal period before the Board's decision is final.

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Item No. 5, being:

BOA-1516-12 – SEAN & RENEE BAUMAN REQUEST A VARIANCE OF 5' TO THE REQUIRED 20' REAR YARD SETBACK FOR AN EXISTING TRELLIS-COVERED PATIO TO RECEIVE A SECOND FLOOR ADDITION AT THE SAME SETBACK, AND A VARIANCE OF 5' TO THE REQUIRED 20' REAR YARD SETBACK FOR A TWO-STORY ADDITION TO THE NORTH SIDE OF THE MAIN BUILDING IN ALIGNMENT WITH THE EXISTING TRELLIS-COVERED PATIO FOR AN EXISTING HOUSE LOCATED AT 2000 WYCKHAM PLACE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Certificate of Survey – Side Lot Variance
5. Plat
6. Photos

Vice Chairman McCarty noted that there is a request for postponement of this item.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Hank Ryan moved to postpone BOA-1516-12 to the March, 2016 agenda. Nils Gransberg seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Kristen Dikeman
NAYS	None
ABSENT	Andrew Seamans

Ms. Tromble announced that the motion, to postpone action on BOA-1516-12 to the March agenda, passed by a vote of 4-0.

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Item No. 6, being:

BOA-1516-13 – OU FEDERAL CREDIT UNION REQUESTS A VARIANCE OF APPROXIMATELY 100' (NORTH) AND 40' (SOUTH) TO THE REQUIRED 200' SETBACK FROM A RESIDENTIAL ZONING DISTRICT FOR AN ELECTRONIC DIGITAL ON-PREMISE SIGN FOR PROPERTY LOCATED AT 2000 WEST LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Email withdrawing the application
2. Location Map

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

No action was required. The item remained on the agenda because it had already been advertised when the applicant withdrew the application.

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Item No. 7, being:

BOA-1516-14 – CHRIS LOHNE REQUESTS A VARIANCE OF APPROXIMATELY 6' TO THE NORTH AND SOUTH 25' SIDE YARD SETBACKS TO ALLOW CONSTRUCTION OF A GARAGE/GYMNASIUM FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, AND LOCATED AT 2151 24TH AVENUE S.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Site Plan, and Rendering
4. Zoning Map

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There was one filed protests on this application, amounting to 1.3% of the notification area.

Mr. Ryan asked, if this were zoned R-1, whether the setbacks would be just 5' on the sides. Mr. Stenis responded affirmatively. Mr. Ryan asked if they could build the same structure on an R-1 lot. Mr. Stenis indicated it could be an accessory to a residential building, but there is not a residential building currently on the lot or proposed to be built. The building couldn't be taller than the house. A house could be three stories.

PRESENTATION BY THE APPLICANT:

Blaine Nice, 100 N. Broadway, Oklahoma City, representing the applicant – Mr. Lohne wanted to be here today but had to be out of town. This is kind of a unique situation. This property is a residual lot. I'm not sure why Mr. Proctor didn't buy it. This is between a little cul-de-sac at the end of 24th and the church out there, and is right across just east of the park. It's a long, narrow lot and, as Mr. McCarty has pointed out, if he desired to build a house out there, these setbacks would be much closer. His goal is to build – it says gymnasium; it's really a garage. He lives just down off Lindsey off McGee. This is going to be a place to store recreational equipment and I think he will have a small workout area for his daughters to do some cheer and things. He intends to center it in the property. It's going to be 16' tall at the sides with an 18-20' roofline. As the Board is aware, I don't believe there are any height restrictions in A-2, so if he met the setbacks he could put this huge building, which would have probably a more detrimental effect. I know Mr. Marsh talked to Mr. Lohne about this and they had discussions. I've known Mr. Marsh forever and I appreciate his position; he owns a couple of these vacant lots and he's concerned about the development. As you'll see in those pictures, the back yards of those lots are not bigger than from here to the wall. They're pretty unique in and of themselves. Mr. Lohne intends to put this building in the middle and he's going to have a drive that goes through the center and out the back and then it will circle around on the south side of the property, between the building and the church; that's where the traffic would be. You'll note Mr. Marsh's letter says he doesn't object to the variance. I think Mr. Lohne has talked to him. Mr. Lohne's intention is to spend about \$6,000 in landscaping. He intends to circle this whole thing with landscaping. He's going to put evergreen trees on the north side -- between those residents and those empty lots there will be evergreen trees which I think, if he moved it as Mr. Marsh has expressed an interest to the south and put the driveway on the north, then you're going to have traffic there and you're not going to have the barrier because he doesn't really have room to do both. He's just going to center it on the middle of that lot. Because this is A-2, there's a lot of other uses that can go on out there that would be much more impact on the adjacent property. He didn't create this lot. He intends to, as I said, spend about \$6,000 in landscaping

and intends to block the whole building from view around the surrounding neighborhood. It's just kind of a unique situation, as Wayne pointed out. You've got some residual A-2 farther out maybe, but this location is really unique. I'm sure a couple of you have been out there and seen it if you drive out to Riverside Church. I'll be happy to answer any questions if the Board has those.

Mr. Ryan asked why the building is 60' wide. Mr. Nice responded that is what will serve his purposes. 60' is not that large. If he meets the setback, he could end up going a lot higher which is going to have much more detrimental effect – not that he intends to do that. I mean, this is minimum. If you'll look at the picture, those lots – the existing house, those back yards are pretty small. It's kind of unique how that was developed. The fence line of one of those houses already encroaches into his property. But that's not Mr. Marsh; that was the developer.

Mr. McCarty asked if that residential is R-1 or a PUD. Those back yards don't look R-1. Mr. Stenis indicated it is R-1. The property immediately north of this is R-1. Mr. McCarty said they have a 20' minimum back yard.

Mr. Ryan asked about shifting the building 6' to the south so there was only a variance on the south side, which would move the driveway to the north side. Mr. Nice responded that you would have landscaping and you would have traffic there. You're going to have an RV and some other things like that. It's not going to be a very intense use; it's just Mr. Lohne. He lives not far from there. He is going to make it aesthetically very nice, not the typical building you'd see out there. Like I said, he has budgeted \$6,000 just for landscaping. His goal is you probably won't be able to see it from the street. It's going to be circled in evergreens and others. He intends to really block the view. He doesn't want people out there to see it when they come out there to go to the park.

Mr. Ryan said he had some heartburn when the Board has made rulings when they didn't have good drawings, and just had stuff that was put forth and said, where they said it's going to look like this, and it turned out it didn't look like that. Mr. Nice stated that Mr. Lohne just met with the builder again. It's going to be 16' tall is the height of the side and the roofline is going to be 18-20'. Initially, they had thought it was going to be taller, and he's trying to get it down as low as he can. They said it has to be 18-20' to meet the design he needs.

Mr. Ryan asked about commercial use. Mr. Nice responded that it is for Mr. Lohne's personal use.

Mr. McCarty asked if A-2 has landscape requirements.

AUDIENCE PARTICIPATION:

Bill Marsh – I have not seen a proposed site plan. Chris is a friend of mine; known him many years. I'm not against his request for a variance. I actually think it would be a great asset to have some nice structure down there. But if you're going to grant any type of variance, what are the options? If you're going to give him the 6', why not be able to move the building around on the lot? That everybody gets a little input. I don't want a two-story barn going in there. But I'm here to learn what my options are.

Mr. Nice responded that Mr. Lohne has determined the way he wants to landscape this and have a drive to the south, and he wants to center it. I think that's his right to come in and ask for

that. He intends to communicate with Mr. Marsh; he has before and he will continue to do so. He intends to be a good neighbor. There could be a lot of other things out there. He's not going to be spiteful. This is just a unique property. I'm not sure, quite frankly, why Mr. Proctor didn't develop this or anybody else, that they didn't go ahead and buy that. These yards – I promise you that back yard was not from here to the wall and that's about what they are.

Mr. McCarty noted it is asking for a 6' variance. Mr. Nice stated it is really 5.5'.

Mr. Ryan asked if the building will be centered east/west as well as north/south. Mr. Nice said it will be pretty much centered. There's a large line of trees that makes a natural barrier to the east. It may be a little bit closer to the west than it will be to the east, but it's going to be fairly centered. Mr. McCarty noted that the lot is 450' deep.

Mr. Ryan asked the required building setback on the front. Mr. Stenis responded that the front setback in A-2 is 50', or 100' from the centerline of the road.

Mr. McCarty asked if there was any discussion of constructing a fence. Mr. Marsh said he is not worried about the fence. Mr. Nice reiterated that Mr. Lohne's goal is to block the building with evergreens.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Hank Ryan moved to approve the Variance of 5.5' to the north and south side setbacks for a building approximately 60'x100' that would comply with all other A-2 requirements, with a maximum side wall height of 16', and a maximum roof ridge height of 30'. Nils Gransberg seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Kristen Dikeman
NAYS	None
ABSENT	Andrew Seamans

Ms. Tromble announced that the motion, to approve a 5.5' Variance to the north and south side setbacks, passed by a vote of 4-0.

Mr. McCarty noted the 10-day appeal period before the Board's decision is final.

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Item No. 8, being:

BOA-1516-15 – COLLISION WORKS OF NORMAN REQUESTS A VARIANCE TO THE 80% MASONRY REQUIREMENT FOR THE NORTH AND EAST FACADES OF THE BUILDING PROPOSED FOR PROPERTY ZONED C-2 AND LOCATED AT 1107 N. FLOOD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Aerial Photo
5. Google Earth Photos
6. Exterior Elevations
7. Site Plan

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There was one filed protest on this application, amounting to 1.5% of the notification area, and one filed support, amounting to 5.8%.

Mr. Ryan asked how 80% masonry is calculated. Mr. Stenis responded that it must be 80% of the façade, excluding glass areas. Mr. Ryan asked if doorways are excluded. Mr. Stenis indicated they are.

Mr. McCarty asked how the wall height on the north side would compare to the existing building that protested. Mr. Dansby stated that the new building will be about the same height as the building on the adjacent lot to the east, so they are approximately the same height.

PRESENTATION BY THE APPLICANT:

J.W. Dansby, representing the applicant, was available to answer any questions. He had a full-size set of plans available if anyone wanted to look at them.

Mr. McCarty noted that the south side of the building faces Highland Parkway, but it shows an offset that is further back but also faces south and it is shown as metal on the elevations. Is that wall not required to be masonry? Mr. Dansby noted the site plan and how far that wall is set back; you're not going to be able to see it very well from the street. Highland Parkway is in an industrial area. Mr. McCarty said he doesn't have as much problem with the north side, which will be blocked from view, as he does with the section of the south wall. Mr. Stenis believes all the south-facing walls would have to be 80% masonry, excluding glazing.

Mr. Dansby commented that the portion of the south wall under discussion is about 25' back from the property line, and approximately 35' from the street. Mr. McCarty commented that if you are driving west you're definitely going to see it; if you're headed north, you're probably going to see it because the building to the south sits way back across the street.

Mr. Stenis noted that the variance request is only for the north and east façades. Mr. McCarty indicated the Board cannot address the south façade at this time. Ms. Messner stated that this application could be postponed for a month and readvertised to include this portion of the south wall.

Mr. Dansby outlined the options available: postpone the entire application to include the south wall; leave the application as it is to address the north and east; bring the south wall back in the future; or make the wall 80% masonry. He indicated it was an oversight that it was not included in this application. He will talk to the owner and see what he wants to do.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan asked how much masonry there will be on the east side. Ms. Connors indicated they are asking for a variance of 100% of the masonry requirement. Mr. McCarty noted that the east side has a little bit of masonry because the area protrudes out.

Hank Ryan moved to deny the Variance to the 80% masonry requirement on the north and east facades as requested. The motion died for lack of a second.

Nils Gransberg moved to grant the Variance to the 80% masonry requirement for the north and east facades as requested. Kristen Dikeman seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Curtis McCarty, Nils Gransberg, Kristen Dikeman
NAYS	Hank Ryan
ABSENT	Andrew Seamans

Ms. Tromble announced that the motion, to approve the Variance to the 80% masonry requirement for the north and east facades, passed by a vote of 3-1.

Mr. McCarty noted the 10-day appeal period before the Board's decision is final.

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Item No. 9, being:

MISCELLANEOUS DISCUSSION

None

Item No. 10, being:

ADJOURNMENT

Hank Ryan moved to adjourn; Kristen Dikeman seconded the motion. There being no further business and no objection, the meeting adjourned at 5:25 p.m.

PASSED and ADOPTED this 23rd day of March, 2016.


Secretary, Board of Adjustment